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11 Attorneys for Defendants STEVEN P. JOBS, PETER
12 OPPENHEIMER, WILLIAM V. CAMPBELL, MILLARD S.
DREXLER, ALBERT GORE, JR., ARTHUR D. LEVINSON,
JEROME P. YORK, and APPLE COMPUTER, INC.

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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**
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18 MARTIN VOGEL and KENNETH
19 MAHONEY, on Behalf of Themselves
and All Others Similarly Situated,

20 Plaintiffs,

21 v.

22 STEVEN P. JOBS, PETER OPPENHEIMER,
23 FRED ANDERSON, WILLIAM V.
CAMPBELL, MILLARD S. DREXLER,
24 ALBERT GORE, JR., ARTHUR D.
LEVINSON, JEROME P. YORK and
APPLE COMPUTER, INC.,

25 Defendants.
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Case No. C 06 05208 MHP

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE
AND RELATED DATES**

1 WHEREAS, on August 24, 2006, a class action complaint alleging violations of the
2 federal securities laws was filed against defendants.

3 WHEREAS, defendants are not scheduled to respond to the complaint until forty-five
4 (45) days after filing of an amended complaint.

5 WHEREAS, on October 24, 2006, pursuant to the Private Securities Litigation Reform
6 Act, 15 U.S.C. § 78u-4, proposed lead plaintiff New York City Employees' Retirement System
7 filed a motion for appointment of Lead Plaintiff and Lead Counsel, and the motion is scheduled
8 to be heard on December 4, 2006.

9 WHEREAS, pursuant to the Order Setting Initial Case Management Conference dates,
10 a Case Management Conference is scheduled for December 18, 2006.

11 WHEREAS, in light of the fact that a Lead Plaintiff and Lead Counsel has not yet been
12 appointed, and an amended complaint has not yet been filed, and in order to avoid unnecessary
13 dissipation of judicial resources or burden and expense, the parties wish to continue the Case
14 Management Conference and related dates until after an Order appointing Lead Plaintiff and
15 Lead Counsel in this litigation has been issued by the Court.

16 NOW, THEREFORE, the parties stipulate and agree, and respectfully request leave of
17 Court, to proceed as follows:

18 The Case Management Conference currently set for December 18, 2006, shall be taken
19 off calendar.

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1 The parties shall submit a stipulation with a proposed date and time for the Case Manage-
2 ment Conference within fourteen (14) days after the Court issues an Order appointing Lead
3 Plaintiff and Lead Counsel.

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5 Dated: November 27, 2006

GEORGE A. RILEY
DAVID M. FURBUSH
LUANN L. SIMMONS
O'MELVENY & MYERS LLP

8 By: /s/ Luann L. Simmons
9 Luann L. Simmons

10 Attorneys for Defendants STEVEN P. JOBS,
11 PETER OPPENHEIMER, WILLIAM V.
12 CAMPBELL, MILLARD S. DREXLER,
13 ALBERT GORE, JR., ARTHUR D. LEVINSON,
14 JEROME P. YORK, and APPLE COMPUTER,
15 INC.

16
17 Dated: November 27, 2006

JEROME C. ROTH
YOHANCE C. EDWARDS
GENEVIEVE A. COX
MUNGER, TOLLES & OLSON LLP

18 By: /s/ Yohance C. Edwards
19 Yohance C. Edwards

20 Attorney for Defendant FRED D. ANDERSON

21
22 Dated: November 27, 2006

JAY W. EISENHOFER
GEOFFREY C. JARVIS
MICHAEL J. BARRY
MARY S. THOMAS
GRANT & EISENHOFER P.A.

23 By: /s/ Michael J. Barry
24 Michael J. Barry

25 Attorney for Proposed Lead Plaintiff NEW
26 YORK CITY EMPLOYEES' RETIREMENT
27 PLAN

28 / / /

/ / /

STULL, STULL & BRODY

By: /s/ Patrice L. Bishop
Patrice L. Bishop

Attorneys for Plaintiffs MARTIN VOGEL
and KENNETH MAHONEY, On Behalf of
Themselves and All Others Similarly Situated

CERTIFICATION OF CONCURRENCE

I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Yohance C. Edwards, Michael J. Barry and Patrice L. Bishop.

Dated: November 27, 2006

GEORGE A. RILEY
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LUANN L. SIMMONS
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By: /s/ Luann L. Simmons
Luann L. Simmons

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PETER OPPENHEIMER, WILLIAM V.
CAMPBELL, MILLARD S. DREXLER,
ALBERT GORE, JR., ARTHUR D. LEVINSON,
JEROME P. YORK, and APPLE COMPUTER,
INC.

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated:

The Honorable Marilyn H. Patel
United States District Judge

MP1:991042.1